

Hearing Date: August 14, 2012 at 10:00 a.m. (ET)

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and the Putative Class Members*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re: :
: **Chapter 11**
Residential Capital, LLC, et al., :
: **Case No. 12-12020 (MG)**
Debtors. :
: **Jointly Administered**
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**REPLY DECLARATION OF KAI H. RICHTER IN SUPPORT OF MOTION
OF CHRISTINA ULBRICH FOR RELIEF FROM AUTOMATIC STAY AS TO
GMAC MORTGAGE, LLC**

I, Kai H. Richter, declare as follows:

1. I am counsel of record for Plaintiff Christina Ulbrich and the putative classes in the matter captioned *Ulbrich v. GMAC Mortgage, LLC et al.*, Civ. No. 11-cv-62424-RNS, currently pending in the United States District Court for the Southern District of Florida (the

“*Ulbrich* Action”). I make this declaration in support of Plaintiff Ulbrich’s motion for relief from the automatic stay pursuant to 11 U.S.C. § 362.

2. Attached hereto as **Exhibit A** is a true and correct copy of the court’s Scheduling Order in the *Ulbrich* Action.

3. Attached hereto as **Exhibit B** is a true and correct copy of the current docket report in the *Ulbrich* Action.

4. Attached hereto as **Exhibit C** is a true and correct copy of the current docket report for the matter captioned *Cronk v. GMAC Mortgage, LLC*, No. 2:11-cv-05161 (E.D. Pa.) (the “*Cronk* Action”). As reflected by this docket report, GMAC Mortgage, LLC is the sole defendant in the *Cronk* Action, no scheduling order has been issued in the *Cronk* Action, and the *Cronk* Action has been taken off the court’s active docket.

5. Attached hereto as **Exhibit D** is a copy of the current docket report for the matter captioned *Throm v. GMAC Mortgage, LLC*, No. 2:11-cv-06813 (E.D. Pa.) (the “*Throm* Action”). As reflected by this docket report, GMAC Mortgage, LLC is the sole defendant in the *Throm* Action, no scheduling order has been issued in the *Throm* Action, and the *Throm* Action has been taken off the court’s active docket.

6. Attached hereto as **Exhibit E** is a copy of the current docket report for the matter captioned *Rothstein v. GMAC Mortgage, LLC et al.*, No. 2:11-cv-3412 (S.D.N.Y.) (the “*Rothstein* Action”). As reflected by this docket report, the *Rothstein* Action was filed well after the *Ulbrich* Action, and no scheduling order has been issued in the *Rothstein* Action.

7. I am counsel for several plaintiffs (including Ms. Ulbrich) in several actions implicated by the pending motion before the Judicial Panel on Multidistrict Litigation for a proposed “Force Placed Insurance Litigation” MDL. Responses to the proposed MDL were due

on August 6, 2012. On that date, only four briefs (in addition to the movants' brief) were submitted in support of the proposed MDL, whereas a total of 34 oppositions were filed.¹ Given the overwhelming opposition to the proposed MDL, I believe it is unlikely that the *Ulbrich* Action will be consolidated as part of a massive MDL with other actions.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing statements are true and correct.

Executed on August 10, 2012 in Minneapolis, Minnesota.

/s/ Kai Richter
KAI RICHTER

¹ Ms. Ulbrich was one of the many parties who submitted a brief in opposition to the proposed MDL. See *In re: Mortgage Lender Force Placed Insurance Litigation*, No. 2388 (J.P.M.L.), ECF No. 165. Balboa also filed an opposition. *Id.*, No. 184. In addition, the plaintiffs in *Rothstein*, *Cronk*, and *Throm* also submitted oppositions. *Id.*, No. 177 (*Rothstein*); No. 168 (*Cronk*, *Throm*). GMAC did not file a response in light of the automatic stay.